[Kamila Hyat](https://www.thenews.com.pk/writer/kamila-hyat)

February 25, 2021

**Rule of injustice**

For decades, we have been seeing injustice imposed upon people who are poor and without wealth or influence – the factors which almost always go together in making an individual powerful in society.

Recently we heard news about another car crash, which led to the death of four people on the Kashmir Highway. The details are irrelevant but once again it does seem wealth was involved in enabling the wealthy to get away. The case of Shahzeb Khan in Karachi, who was shot by two other young men, is still remembered by most of us. Although Shahzeb's father was a senior police officer, it is understood he finally accepted the blood money being offered by the family of the culprits and the parents then went overseas, perhaps to escape embarrassment, perhaps to escape victimisation, and perhaps to begin for themselves a new life in a country that would enable them to forget the tragic death of their son.

The problem began in earnest after 1979 with the discussion on the introduction of the Qisas and Diyat laws brought in under the era of General Ziaul Haq. Since then, the law has been used repeatedly to allow persons who are wealthy to get away with their crimes. The victims who have suffered as a result and accepted money in exchange for the lack of justice include the parents of small maid servants beaten by their employers or others killed by more powerful individuals. In specific cases in major cities, and we assume elsewhere as well, the crime has been entirely covered up first, and then the victims paid off. In Lahore there have been incidents in which rash driving by teenagers has caused the death of individuals who stood no chance against the big vehicles which rammed into them.

Then, of course, we have the case of the family which was in 2019 driving from Lahore to Sialkot only to be shot dead by law enforcement. In that car, a couple, their teenage daughter and a neighbour all died, while two younger children looked on, and later acted as witnesses. Despite the promises of the prime minister, there was no penalty, no justice, no equality between the rich and the poor. The rich it appears are free to kill at will, and know that they can get away with such crimes without any punishment or any rebuke. This continues even in the 'Naya Pakistan' that Imran Khan had said he would create and where his ‘Justice Party’, as he calls it, was to ensure equal justice for persons from every segment of society. This, of course, has never come.

But even before the Qisas and Diyat laws came into force, there were incidents in the 1960s and later when persons killed in accidents committed by powerful people or their offspring were paid money and persuaded not to testify or not to pursue the case. This is a cycle of injustice, which continues generation after generation and year after year. It will not be easy to stop it. And it is this kind of corruption that most affects the people of the country, even when compared to the exchange of trillions of dollars involved in crimes involving powerful politicians in the country. Such cases are of course, unfortunate, and leave our country as a more battered and brutal place.

However, for people, this theft of millions and trillions or amounts more than that is perhaps not as painful as having to do nothing to give justice to their children or other members of their family because they know they do not have the standing to do this. In other words, they understand from early on in life that they must survive one way or the other. And the only way they can survive is by obeying the dictates of those more powerful than themselves.

We would assume this is not what Imran Khan meant when he said he would set up the State of Medina. Justice of course was the cornerstone of this state as is written in history. However, we are nowhere close to this ideal or to the others which emphasise the need for equal justice for every citizen in society, and every member of the state. The result is a deeper and deeper division based on class and wealth. This is most obvious when it comes to court cases, even when money is not directly paid to the family of victims.

In some cases, the families, as happened in the case of Raymond Davis, the American agent who shot dead two persons on motorcycles in Lahore, are forced to accept money. But it also happens simply because those who do not have the money and the means are not able to hire powerful legal teams who can fight their case, if necessary, all the way to the Supreme Court. These people must depend on lawyers provided by the state, or hired by putting together whatever money they can. These individuals cannot equal the powerful lawyers hired by the elite who can use their own standing to fight for their clients. But the fight is often an unequal one.

This is true of legal systems in many places around the world. In the US too, the poor often suffer before the legal system because they do not have the money required to hire high-powered, powerful legal aid. It may also explain why so many more black men who belong to poorer classes are incarcerated in jail cells compared to white men, who often belong to more privileged families. The PTI, as the ‘party of justice’ needs to deal with this problem. Ensuring equal access to justice is essential to the survival of every state. Only when people believe that justice is available to every individual, no matter from where he or she comes or to which clan he or she belongs, can there be any hope of a belief in the standing of the state and an understanding that it is present to protect all citizens who live within it.

In our country, those who are poor, of course know, they have no standing. This has been proven again and again. It is the reason why they die on the streets, they die in their homes, and they die in other places without protection and without help. Their deaths are barely noted and no justice is given to those who kill them. This is the situation in which we live today. The PTI can only salvage its reputation and prove that the promises it made were not completely unfounded. It can do this by changing the situation and ensuring penalties are given out where they are required without wealth coming into the picture.

The writer is a freelance columnist and former newspaper editor.

Email: kamilahyat@hotmail.com